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8 UNITED STATES DISTRICT COURT
9 WESTERN DISTRICT OF WASHINGTON
10 AT SEATTLE

11 MICHAEL BELL,

12 Plaintiff,

13 v.

14 FISHING COMPANY OF ALASKA, et al.,

15 Defendants.
16

CASE NO. C06-195RSM

ORDER ON MOTION FOR A JURY
TRIAL


17 This matter is before the court for consideration of plaintiff's motion for a jury trial, Dkt. # 49.
18 Plaintiff Michael Bell filed this complaint pursuant to the Jones Act, 46 U.S.C. § 688, seeking damages
19 for injuries he received while working in defendant's employ. This Court's earlier ruling granting partial
20 summary judgment to defendant was reversed by the Ninth Circuit Court of Appeals, and the case was
21 remanded for trial. Plaintiff now requests that the matter be tried to a jury, asserting that he should not
22 be bound by former counsel's choice of a bench trial. Plaintiff also suggests that "having granted
23 summary judgment on the facts as a matter of law, even if reversed, the likelihood would be that the court
24 would find the same as a matter of fact." Plaintiff's Motion, Dkt. # 49, ¶ 2. Defendant has opposed the
25 motion.

26 The Court finds no basis in plaintiff's motion to excuse the requirement that a jury demand be
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1 filed "no later than 10 days after the last pleading directed to the issue is served." F.R.Civ. Proc.
2 38(b)(1). Nor is there any basis for plaintiff's fear that the Court cannot give proper weight and
3 consideration to the evidence as it shall be presented at trial.

4 Plaintiff's untimely motion for a jury trial is accordingly DENIED.

5 DATED this 4th day of March 2009.

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8 RICARDO S. MARTINEZ
9 UNITED STATES DISTRICT JUDGE
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